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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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09/967,233

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Victor Hsieh

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01/29/2007

DLA PIPER US LLP

153 TOWNSEND STREET

SUITE 800

SAN FRANCISCO, CA 94107-1957

EXAMINER

APPLE, KIRSTEN SACHWITZ

ART UNIT

PAPER NUMBER

3693

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
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3 MONTHS

01/29/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/967,233

Applicant(s)

HSIEH, VICTOR

Examiner

Kirsten S. Apple

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 101.25/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

The Examiner has read and reviewed all of the information provided by the Applicant.

The examiner rejects as final claims 8-35 under 35 USC 103.

The Applicant attention is re-drawn to the following:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lunenfeld in view of Gralla ("*How the Internet Works*") in further view of AltaVista (wayback machine of AltaVista's translations machine from April 08, 2000).

Claims 8-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Lunenfeld.

Lunenfeld teaches a client-server multitasking process comprising: receiving a request comprising searching criteria, comprising n search queries, at least two of which comprise different query values directed to different server addresses, request grouping criteria, and display criteria specifying for which request group information is to be returned; processing n search query and server address pairs into m request groups; for the search queries in the specified request group, sending to the server designated by the server address a query derived from the corresponding search query; receiving response information from the servers; processing the response information into a plurality of return groups by associating a different query value with a different one of the return groups and merging into the return group the response information from the servers that received queries directed to the query value

Art Unit: 3693

associated with the return group; consolidating the return groups into a consolidated response; returning the consolidated response (abstract).

Examiner notes that the preceding teachings represent:

- Receiving from an online user a request
- Constructing search requests for the received request
- Submitting the constructed search requests
- Extracting information from the search requests
- Displaying the extracted information to the user

Lundenfeld further teaches, the client-server multitasking system should be capable of, for example, determining best query results, with respect to a plurality of search engine results; purchasing and/or price comparisons, viewing and/or reviewing prices/values and trends for different sites, determining lowest costs and lowest cost analyses for wholesale and retail purposes; product availability, e.g., airline tickets, pricing, and ticket availability, from different airlines to the same and/or different locations (column 7; lines 34-45). Examiner notes that this represents searching vendor sites for a price comparison.

Lundenfeld further teach a PS server which parses, processes and/or formats the information requests. The server PS may also make additional optional requests of optional offline databases (reference the section of server PS starting at column 42; line 10). Examiner notes that this represents Applicant's offline database having vendor descriptions for a plurality of vendor sites including a URL for each of the sites, description domain and generalized rules about how product information is organized.

Lunenfeld does not specifically teach using search form URLs. Applicant teaches search form URLs in the specification on page 25, lines 3-14. Examiner submits Gralla as evidence that search form URL's were an old and well known means of searching the Internet. Examiner specifically relies on page 189 box 3, which teaches agents which are intelligent enough to know the proper syntax to search a server. This feature provides efficiency, as the agent doesn't have to fill out forms a normal user would be required to fill out.

It would have been obvious to one of ordinary skill at the art at the time of the invention to modify the searching agent of Lunenfeld to include searching using a sites preferred method including search form URLs as taught by Gralla. One of ordinary skill in the art would have been motivated to make such a modification in order to provide efficiency as taught by Gralla.

Lunenfeld does not specifically teach translating content into different languages. Examiner submits AltaVista as evidence that automatic, electronic translation to and from different languages is a well-known on-line feature. The feature is outlined from a web page of April 25, 2000 with "translate please" feature.

It would have been obvious to one of ordinary skill at the art at the time of the invention to modify the searching agent of Lunenfeld to include automatic translation service as taught by AltaVista. One of ordinary skill in the art would have been motivated to make such a modification in increase the user base beyond English only speaker.

Response to Arguments

Applicant's arguments filed 10/20/2006 have been fully considered but they are not persuasive.

In particular, and respect to Claim 1 the Applicant argued 1st: “Gralla does not teach, suggest, or make obvious the use of search form URL’s to submit requests directly to identified vendors” or identify from the vendor descriptions, vendor sites which may have price information relevant to the price comparison request.”

The Examiner refutes the argument made by the Applicant and draws the attention to Ludenfeld column 7, lines 34-45 which teach the use of search form URL’s to submit request directly to identified vendors and identifies from the vendor descriptions, vendor sites which may have price information relevant to the price comparison request. This example of airline tickets, pricing and availability is a clear example of this feature in use. While the examiner believes her case is very clear and strong for further emphasis to indicate that this feature was well know at the time the application was submitted the examiner has provided an additional reference. From the Wayback machine (NPL: Biz Rate, Oct 19,2000) another on-line company already performing the same functionality was found. This example was for Palm V and list vendors, ratings and pricing using search form URL’s to submit requests directly to identified vendors. Clearly from this information price comparison request are searched and displayed.

Applicants argued 2nd, “there is no discussion of handling sites in different native languages.

The Examiner refutes the argument made by the Applicant and draws the attention to AltaVista (Wayback machine April 8, 2000). Language translation dates back thousands of years to the Greeks and Romans. In more modern day there are many automatic electronic translation systems such as the AltaVista reference, which automatically translates words, sentences or whole web sites. Adding such a language feature does not make this application unique and would be obvious to those of ordinary skill in art at the time of the invention.

Conclusion

There was a confusion raised by the applicant about if it was non-final or final on the office action mailed 5/25/2006. To clarify the office action of 5/25/2006 will be considered non-

final on the record. If any part of the office action of 5/25/2006 incorrectly stated this please consider those errors and corrected based on this statement on the record.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

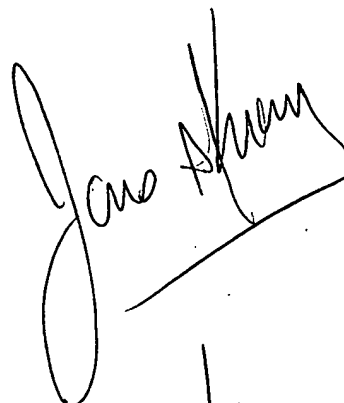
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kirsten S. Apple whose telephone number is 571.272.5588. The examiner can normally be reached on Monday - Friday 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-272-6126.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksa


1/23/07
JAMES KRAMER